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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

NARCISO FUENTES, individually, on behalf  
of others similarly situated, and on behalf of  
the general public,

Plaintiff,

vs.

DISH NETWORK, L.L.C.; and DOES 1  
through 50, inclusive,

Defendants.

**Case No. 4:16-cv-02001-JSW**

**JOINT CASE MANAGEMENT  
STATEMENT**

**Date: January 20, 2023**

**Time: 11:00 a.m.**

**Courtroom 5, 2<sup>nd</sup> Floor (Oakland)**

**Hon. Jeffrey S. White**

Plaintiff NARCISO FUENTES (“Plaintiff” or “NARCISO FUENTES”) and Defendant  
DISH NETWORK L.L.C. (“Defendant” or “DISH”) (collectively “the Parties”), by their  
undersigned counsel, submit this Joint Case Management Statement, pursuant to Federal Rule of  
Civil Procedure 26 and Civil Local Rule 16-9, and this Court’s December 6, 2022 Order (Dkt. No.

175) (the “Order”).

In the Order, the Court directed the parties to meet and confer regarding Plaintiff’s individual monetary relief and briefing schedules for DISH’s motion for reconsideration, Plaintiff’s request to remand, and Plaintiff’s motion for attorney fees, and to file an updated joint case management conference statement addressing those issues. After the Order, DISH filed its motion for leave to file a reconsideration motion. (Dkt. 176). The Court granted the motion and set a briefing schedule on the reconsideration motion, including a February 3, 2023 opposition date and a February 10, 2023 reply date. (Dkt. 177).

The parties met and conferred on the remaining issues:

1. **Individual Monetary Relief**

Should DISH’s motion for reconsideration be denied, the parties believe it will be appropriate to enter into a stipulated judgment. The parties have agreed to settle, and will not need to have a trial on, the amount of Plaintiff’s claim for individual monetary relief. Based on Plaintiff’s unique individual circumstances, DISH will agree, as a compromise and to avoid further expense, that Plaintiff may recover damages, including prejudgment interest and costs, in the total amount of \$2,590.00. Plaintiff accepts that amount to resolve his claims for individual monetary relief. DISH denies that Plaintiff is entitled to that amount or any amount and is agreeing to that amount without waiving any rights or defenses that might otherwise be available to it in the future or as to any other subscriber.

2. **Plaintiff’s Request to Remand**

If the Court denies DISH’s motion for reconsideration, Plaintiff contends that the Court should remand Plaintiff’s requests for public injunctive relief (as opposed to his claims for individual monetary relief, discussed above) to the Alameda Superior Court due to lack of Article III standing. DISH disagrees that remand is appropriate. The parties were unable to reach agreement on this issue but have agreed on a proposed briefing schedule for the Court’s consideration: if the Court denies DISH’s motion for reconsideration, then Plaintiff will file a motion to remand within fourteen days of the Court’s order. The deadlines for DISH’s opposition

1 and Plaintiff's reply will be set according to Northern District of California Local Rule 7-3.

2 3. **Plaintiff's Motion for Attorney Fees**

3 Should the Court deny DISH's motion for reconsideration and grant Plaintiff's motion for  
4 remand, Plaintiff does not intend to file a motion for attorney fees before this Court; instead,  
5 Plaintiff intends to file any motion for attorney fees in any remanded Alameda Superior Court  
6 case, which motion will be opposed by DISH.

7 4. **The January 20, 2023 Case Management Conference**

8 The parties request that the Court continue the case management conference scheduled for  
9 January 20, 2023 at 11:00 am to a date after the Court resolves the motion for reconsideration.

10  
11 Dated: January 13, 2023

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12  
13 By: /s/ Elliot Conn  
14 ELLIOT CONN  
Attorneys for Plaintiff NARCISO FUENTES

15  
16 Dated: January 13, 2023

COBLENTZ PATCH DUFFY & BASS LLP

17  
18 By: /s/ Clifford E. Yin  
19 CLIFFORD E. YIN  
Attorneys for Defendant DISH NETWORK L.L.C.